

EXH
6

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JAN 20 1998

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

In the Matter of:

Application of

KALW (FM)
San Francisco, CA

For Renewal of Its License as
a Noncommercial Educational Radio
Station

File No. BRED-970801 YA

To the Mass Media Bureau:

OPPOSITION TO PETITION TO DENY

Federal Communications Commission	
Packet No. <u>07-191</u>	Exhibit No. <u>6</u>
Presented by <u>ETS</u>	
Disposition	Identified <u>S/A 6/95</u>
	Received _____
	Rejected <u>Staden S/A 6/95</u>
Reporter <u>E. Staden</u>	
Date <u>5/16/95</u>	

Respectfully submitted,

SAN FRANCISCO UNIFIED SCHOOL DISTRICT,
Licensee of KALW(FM), San Francisco, CA.

Ernest T. Sanchez
Susan M. Jenkins
Its Attorneys

Office of Ernest T. Sanchez
2000 L Street, N.W.
Suite 200
Washington, D.C. 20036
(202) 237-2814

Dated: January 20, 1998

general by means of the particular. Furthermore, GGPR's subjective allegations are completely refuted by the declarations of Mr. Ramirez and Mr. Palacios. Furthermore, GGPR uses its affidavits to try to prove a general proposition regarding civil service matters that are not material to either SFUSD's EEO program or the broader issue of its fitness as a licensee but, rather, a private dispute between a few disgruntled employees and their employer. Finally, these exhibits are replete with hearsay-within-hearsay, particularly Mar's statement (Exh. H), and Johnson's claim that Mr. Ramirez "told" him something (which Mr. Ramirez, in fact, denies in his own declaration, at ¶ 8).

Similarly, Exhibit C (Evans Affidavit) contains a general and conclusory hearsay account of an alleged conversation between the affiant and Mr. Ramirez. To the extent it contains any specific allegation, Mr. Ramirez (the other alleged party to the conversation) denies it was said (Ramirez Exhibit, ¶ 8). GGPR repeatedly cites two of Mr. Evans' conclusory statements as support for nearly all its charges. But to say that the public file is a "mess" does not tell us what he claims was or was not in the files on any particular date, particularly one year later when the application was filed.. Similarly, to claim that an EEO program is "out of date" is not a valid assessment or description of SFUSD's EEO program.⁸ Even more significantly, neither of these allegations tells us anything about what Mr. Ramirez knew or did not know at the time he performed his delegated duty to fill in the blanks on the renewal application form and transmit it to the licensee for signature and certification. Mr. Evans' statement is not only rank hearsay, it

⁸ A comment to that effect could just as easily be interpreted as criticism of SFUSD long-term and continuing commitment to affirmative action, which is no longer a popular subject in post-Proposition 209 California.

is neither material or relevant to any of these issues. It is not probative of the contents of the file, the adequacy of SFUSD's EEO program, or the Mr. Ramirez' mental state one year later. As a proffer of evidence, the Evans' affidavit is valueless. Ms. Hecht's affidavit (Exhibit D) suffers from much the same evidentiary flaws. She characterizes the files as "disorganized and incomplete", but it is unclear on what she based her evaluation. With no disrespect to Ms. Hecht, it must be recognized that she is a volunteer part-time clerk who necessarily based her assessment on her own understanding of what should be in the files and what she perceived as being there or not. Mr. Ramirez attests that he did not consider her evaluation reliable and did not use it, but relied instead on the advice of communications counsel, the NAB counsel memo on required public file contents, and his own evaluation (Ramirez Declaration, ¶¶ 10-12). Exhibit E is merely hearsay which bears no date or other identifying mark and has not been attested to as true and correct by Ms. Hecht or anyone else.

Exhibit F (statement of Mel Baker) is almost entirely hearsay -- he details what he was allegedly "told" by two other persons. Furthermore, both those conversations are irrelevant and immaterial to any question under section 309 because they relate to the private civil service dispute. This exhibit, like Exhibits H, I, Y (statement of Jason Lopez) and CC (statement of Hedy Jacobowitz), is neither an affidavit nor a declaration in compliance with the rules, as pointed out in footnote 3 above. As such, they are

basis of that knowledge. Because these responses were, in fact, true and correct, and the licensee's representative was so informed, GGPR's allegations of lack of candor on the part of either Mr. Ramirez or the licensee must also fail. GGPR has raised no substantive or material question of fact regarding either SFUSD's EEO program or its candor.

C. GGPR's "Petition" Fails to Raise Any Material Questions Regarding Either KALW's Public Inspection File or the Licensee's Candor in Reporting Thereon.

The entire underpinning for GGPR's allegations that KALW failed to maintain its public inspection file and that Mr. Ramirez reported falsely in response to certain questions in Section III of the renewal application is likewise based upon conclusory and irrelevant allegations. Mr. Ramirez (in his Declaration) and SFUSD (through the Declarations of Mr. Ramirez and Mr. Palacios) denies those allegations. The truth regarding GGPR's charges here, as with its EEO charges, is quite other than GGPR would have the Commission believe.

1. **Mr. Ramirez Responded Honestly to the Questions to the Best of His Understanding, Knowledge, and Belief.** GGPR primarily bases its claim that Mr. Ramirez "knew" his answers to these questions were untrue upon the narrowly-worded and conclusory affidavits of Dave Evans and Susan Hecht (Exhibits C and D). GGPR seeks to make the case that, if Susan Hecht said she did not see something in the inspection file, that should necessarily mean it was never filed with the Commission. Ms. Hecht is not omniscient. Mr. Ramirez, who is not obligated to have believed her, relied instead upon advice of counsel and the NAB memo. (Ramirez Declaration, ¶¶ 9 - 12).

Question III, 1(b). This question asks whether the station's Ownership Report had been filed with the Commission? Mr. Ramirez responded "yes", because he understood the question to refer to the current report being filed with the Commission. GGPR bases its claims of noncompliance and lack of candor on its own mistaken understanding of this question. But question 1(b) does not ask about the public inspection files, but only about filing the current report with the Commission. Therefore, Mr. Ramirez' response was truthful and GGPR's argument (in Sections A and B of its pleading) is misplaced. Furthermore, Exhibit R, upon which GGPR wishes to rely for this claim, is unsupported, inherently unreliable and inadmissible, as is explained above in footnote 9.

Question 2 (Issue/Program Reports). GGPR alleges that KALW's public inspection file was deficient with respect to Issue/Program Reports. It bases this claim on the affidavits of Evans and Hecht, the statement of Lopez, and one unsupported hearsay document. Mr. Ramirez has set forth in his Declaration (¶¶ 9 - 13) his recollection of what Mr. Evans did and did not tell him and his lack of confidence in Ms. Hecht's judgment regarding the file's contents. Neither Evans' nor Hecht's affidavits indicate that they told Mr. Ramirez any specific information about what was in the files at the time he prepared the renewal application. Their conclusory statements cannot be taken as evidence of what was or was not in the file or of Mr. Ramirez' state of mind. As he attests, Mr. Ramirez relied upon KALW's communications counsel, his own evaluation of the public inspection file's contents, and the NAB memo when he responded to these questions (Ramirez Declaration, ¶¶ 9 - 12). Just because Evans and

Hecht claim that they told Ramirez something, that does not mean that they actually did so or, if they did, that he believed them. This is one of the major flaws in GGPR's argument, for it again tries to extrapolate from the particular to the general.

As Mr. Ramirez also attests (Declaration, ¶ 12), he believed that he had "fully accounted for all public issues/programs during [his] tenure as General Manager", which is what he understood the rule to call for, when he checked "yes" to the certification. The narrow, subjective, and conclusory claims of Evans and Hecht are irrelevant to Mr. Ramirez' state of mind or to the actual contents of the public inspection file at the time he responded to these questions.

With respect to GGPR's allegations that KALW failed to file donor lists (for which GGPR cites Exhibit G, KALW's Annual Financial Reports to CPB), SFUSD points out that the only donor lists which must be filed in accordance with Rule 73.3527(8), are "donors supporting specific programs." GGPR knows this limitation, for it quotes that precise language (GGPR pleading, p. 5). Yet, GGPR uses Exhibit G to try to bolster its claims that KALW had some obligation to file this type of donor list, failed to do so, and then lied about it. GGPR's so-called "evidence" contains no indication whatsoever that KALW actually had any donors whose donations were earmarked for specific programs. Exhibit G is, therefore, irrelevant and useless to support GGPR's allegation. GGPR makes no effort to adduce any evidence that (a) such program-specific donors existed; (b) appropriate lists of such donors, assuming arguendo they existed, were not filed; and (c) Jeffrey Ramirez knew these first two points and deliberately lied about it. No evidentiary basis supports these allegations.

GGPR has failed to raise any substantive or material question with respect to either SFUSD's compliance with the rules or its candor. The standards set forth in subsection 309(k) of the Act require far more than unsubstantiated, irrelevant, hearsay allegations such as these before a licensee can be denied renewal of its license. Under these standards, SFUSD is entitled to the unconditional renewal of its license.

V. ATTEMPTED VIOLATION OF THE COMMISSION'S RULES AND POLICIES REGARDING SETTLEMENTS.

On a number of occasions, the Commission has considered the need to strike a balance between protecting licensees from unreasonable demands and threats from those who might misuse the petition to deny process and avoiding any chilling effect upon the rights of legitimate community and other public-spirited groups to challenge license renewals from public interest motives. See, e.g., *Agreements Between Broadcast Licensees and the Public*, 57 F.C.C. 2d 42 (1975) (Rulemaking Opinion, by the Commission); *Petition for Rule Making to Establish Standards for Determining the Standing of a Party to Petition to Deny a Broadcast Application*, 82 FCC 2d 89, 99 (1980); *In the Matter of Amendment of Sections 1.420 and 73.3584 of the Commission's Rules Concerning Abuses of the Commission's Processes*, 5 FCC Rcd 3911 (1990) (Report and Order); *Patrick Henry*, 69 F.C.C. 2d 1305, 1309 - 11 (1978). The Commission's ultimate policy determination for striking that balance is embodied in the present language of Rule 73.3589, 47 C.F.R. §73.3589, which provides in subsection (a) that "[n]o person shall make or receive any payments in exchange for withdrawing a threat to file or refraining from filing a petition to deny or an informal objection." Would-be petitioners can recover only their "legitimate and prudent expenses", but the licensee must certify to the

deny or an informal objection. Parties that seek to abuse and misuse the Commission's processes "for reasons primarily unrelated to the merits of a licensee's application" should not be accorded a hearing or permitted access to the "petitioning process." *Id.*

VI. CONCLUSION.

For all the above-stated reasons, the pleading filed by GGPR as a petition to deny should be dismissed and its claims against KALW and its licensee SFUSD should be rejected. GGPR has demonstrated its disregard for the Commission's own rules, for recognized pleading standards, for the rules of evidence, and for appropriate standards of behavior. Having failed to coerce SFUSD into handing its station over, GGPR has now also failed to make any case against SFUSD on the merits. By each of these tactics, GGPR has demonstrated its lack of entitlement to any consideration of its allegations. SFUSD respectfully requests that the Commission dismiss GGPR's pleading and, having found SFUSD in full compliance with the provisions of sections (a) and (k) of 47 U.S.C § 309, grant an unconditional renewal of its license for educational noncommercial radio station KALW(FM).

Dated: January 20, 1998

Respectfully submitted,

SAN FRANCISCO UNIFIED SCHOOL DISTRICT,
Licensee of KALW(FM), San Francisco, CA.

By: Ernest T. Sanchez
Ernest T. Sanchez

Susan M. Jenkins
Susan M. Jenkins

Its Attorneys

Office of Ernest T. Sanchez
2000 L Street, N.W.
Suite 200
Washington, D.C. 20036
(202) 237-2814

CERTIFICATE OF SERVICE

I hereby certify that, on this 20th day of January, 1998, I served a true copy of the above Opposition to Petition to Deny upon the following persons by first-class mail by placing a copy in the United States mail, postage prepaid, addressed as follows:

Mr. Jason Lopez
Golden Gate Public Radio
250 Dorland Street
San Francisco, CA 94114

Jeffrey A. Berchenko, Esq.
Berchenko & Korn
115 Sansome Street, 4th Floor
San Francisco, California 94104

Ms. Deirdre Kennedy
c/o Jeffrey A. Berchenko
115 Sansome Street, 4th Floor
San Francisco, California 94104


Susan M. Jenkins

DECLARATIONS AND EXHIBITS

DECLARATION OF JEFFREY RAMIREZ

I, Jeffrey Ramirez, General Manager of KALW(FM), do hereby declare and state to the best of my knowledge and belief:

1. I have read the San Francisco Unified School District's Opposition to the Petition to Deny that was filed by Golden Gate Public Radio on October 31, 1997. It is my understanding that the SFUSD Opposition is to be filed on January 20, 1998. I have personal knowledge of the matters alleged therein.

2. The statements and factual allegations contained in the SFUSD Opposition to Petition to Deny and exhibits attached thereto are true and correct to the best of my personal knowledge and belief.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 19 th day of January 1998.


Jeffrey Ramirez

DECLARATION OF ENRIQUE E. PALACIOS

I, Enrique E. Palacios, Special Assistant to the Superintendent of Schools, San Francisco Unified School District, do hereby declare and state to the best of my knowledge and belief:

1. I have read the San Francisco Unified School District's Opposition to the Petition to Deny that was filed by Golden Gate Public Radio on October 31, 1997. It is my understanding that the SFUSD Opposition is to be filed on January 20, 1998. I have personal knowledge of the matters alleged therein.

2. The statements and factual allegations contained in the SFUSD Opposition to Petition to Deny and exhibits attached thereto are true and correct to the best of my personal knowledge.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 19 th day of January 1998.


Enrique E. Palacios

DECLARATION OF JEFFREY RAMIREZ

I, Jeffrey Ramirez, under penalty of perjury, declare as follows:

1. My name is Jeffrey Ramirez. My address is 139 Marina Lakes Drive, Richmond, CA 94804. I make this Declaration based upon my own personal knowledge.

2. I am employed as General Manager for KALW(FM) radio in San Francisco, California, a public radio station owned by and licensed to the San Francisco Unified School District ("SFUSD" or "Board of Education"). I have held this position since August 5, 1996. I report to Enrique E. Palacios, who is the Special Assistant to the Superintendent of Schools, SFUSD. Ultimate control over the station is vested in KALW's licensee, the San Francisco Unified School District Board of Education, seven of whose members are elected public officials of the City of San Francisco, and one of whose members, Waldemar Rojas, is the Superintendent of Schools.

3. During my tenure as General Manager of KALW, I have had conversations with and observed the behavior of a number of KALW employees and/or volunteers who have either signed the Petition to Deny Application for License Renewal of Radio Station KALW, San Francisco, CA. (File No. BRED-970801 YA) that was filed by an entity that styles itself Golden Gate Public Radio ("GGPR") or signed affidavits or statements that are attached as exhibits to that Petition. These individuals are Jason Lopez, Deirdre Kennedy, Michael Johnson, Dave Evans, Susan Hecht, Mel Baker, Joann Mar, Joseph Hughes, and Hedy Jacobowitz. Based upon my conversations with and observations of these individuals, I would describe them as "disgruntled" employees. As General Manager, I have attempted to run KALW in a business-like manner. Many of the dissident employees who are part of or are cooperating with GGPR have indicated their preference for a more participatory and commune-like management style. I am also informed and believe that they are dissatisfied with station management, disagree with program and format changes I have instituted, and also disagree with the way that the civil service system has implemented by station management and by the School District.

4. Attached as Exhibit 1 to this Declaration is a copy of an article in the January 2, 1998 *San Francisco Chronicle* which appears to indicate that one or more KALW employees have gone to the press with their complaints about program/format changes and job dissatisfactions. I am informed and believe that the background of GGPR's Petition arose when certain of these employees attempted to persuade members of the Board of Education to transfer KALW to GGPR and, having failed in that effort, have filed this Petition in retaliation, as they had threatened to do if the station was not transferred to them. A hostile atmosphere has developed among certain staff members

and has also been manifested in communications received from some listeners. This hostility apparently stems, at least in part, to opposition to the format/program changes. For example, I received a threatening letter (a copy of which is attached to this Declaration, along with its envelope, as Exhibit 2) in the mail on December 19 or 20, 1997, within the same week after I cancelled the Jazz programming that had a small but vocal audience. Although I do not know the identity of the anonymous person who sent this letter, I attribute it to the atmosphere of public and/or staff hostility to this programming change and believe it provides an indication of the volatile nature of the atmosphere that has surrounded KALW in the past few months.

5. Jason Lopez and Deirdre Kennedy, each of whom signed the Petition to Deny as Directors of GGPR, are temporary employees of SFUSD. I am informed and believe that Dave Evans (Exhibit C affidavit) and Mel Baker (Exhibit F statement) are also members or directors of GGPR and that Mr. Evans is a "founder" of GGPR. See Exhibit 3 to this Declaration. Mr. Lopez and Ms. Kennedy are employed as Provisional or temporary employees in the civil services category of Announcer/Operator; they provide on-air services for KALW on an as-needed basis, as hourly employees, and work an average of 12 hours per month. I believe that Mr. Lopez may be disgruntled because I did not act on a new program idea which he proposed for KALW. On or about mid-May, 1997, he confronted me and demanded that the proposal be returned to him. With respect to Ms. Kennedy, she presently holds part-time jobs with this station and with KQED(FM), another public radio station in San Francisco. I am informed and believe that she may attempting to use GGPR as a means of career advancement and protection.

6. I have reviewed a copy of a three-page document bearing the notation "Exhibit S" that was filed as an exhibit attached to the aforesaid Petition. I affirm that Exhibit S appears to be a copy of a printout of a series of private electronic mail ("e-mail") messages between Mr. Michael Moon and myself that took place on July 30, 1997. On that date, I received an e-mail message from Mr. Moon. On or about that same date, I transmitted an e-mail message in response to Mr. Moon at his e-mail address moon@the group.net. I utilized my personal password when accessing, composing, and transmitting these messages. I expected both these messages to be conducted in privacy and to remain private between Mr. Moon and me. I did not authorize any of the following persons: Jason Lopez, Deirdre Kennedy, Michael Johnson, Dave Evans, Susan Hecht, Mel Baker, Joann Mar, Joseph Hughes, or Hedy Jacobson, or any other person to intercept, read, print out, or otherwise have any access to these messages at any time. I did not myself print out a hard copy of these messages and I have not provided any hard copy of these messages to any of the above-listed persons, or any other person. I utilized my personal computer terminal located in my office at KALW for purposes of sending and receiving this e-mail. The only way anyone could have obtained these messages is by accessing them through the KALW computer system using my private password. I have never revealed my password to any of the above-listed persons and none of those persons is authorized to know my password. I do not know how anyone

associated with GGPR could have obtained access to my e-mail except by having illicitly discovered my password and accessing the e-mail message in an unauthorized manner. I consider this a violation of my expectation of privacy regarding these e-mail messages and have reported this violation to counsel for SFUSD.

7. Certain other documents that were filed as exhibits to the aforementioned Petition to Deny appear to be copies of documents that are the property of KALW and the SFUSD. Such documents are, in the ordinary course of business, kept in the non-public files of KALW. The documents in question include a 4-page list, labelled "Exhibit E", which is headed "License Renewals Materials -- In Files at Present"; a one-page unsigned draft form letter prepared for the signature of Enrique E. Palacios, Special Assistant to the Superintendent, addressed to "Dear Applicant", labelled "Exhibit K"; a one-page document headed "Notice to Provisional Employee", which is labelled "Exhibit M"; a one-page document headed "Separation Report", which is labelled "Exhibit N"; a seven-page document headed "Agreement between San Francisco Unified School District and Lynne Nerenbaum", which is labelled "Exhibit W"; and a two-page document headed "Board Resolution Request Form", which is labelled "Exhibit AA." None of the persons who are listed by name in paragraph 2 of this Declaration was or is authorized to have access to or to make or have copies of any of these referenced documents. Exhibit E was prepared by Susan Hecht at my direction and was thereafter, in the ordinary course of business, placed in, and must have been removed from, my files. Exhibit K would, in the ordinary course of business, have been located in the files or on the computer hard disk of an assistant to Enrique E. Palacios, Special Assistant. If it was removed from either place, it was without authorization to do so. Exhibit M would, in the ordinary course of business, be located in, and must have been removed from, the confidential personnel file for Ana Perez. Exhibit N would ordinarily be located in, and must have been removed from, the confidential personnel file for William Helgeson. Exhibits W and AA would have ordinarily been located in, and must have been removed from, the business files maintained by Mr. Helgeson.

8. With respect to Exhibit B (Affidavit of Michael Johnson), I deny ever having said to Michael Johnson that "the Youth Program Manager hire was not done properly." I have no idea what he means by this allegation or by his allegation that I gave him a "vague answer" in response to his question.

9. With respect to Exhibit C (Affidavit of Dave Evans), I have only a vague and general recollection having a meeting with Dave Evans at some time in August 1996 with respect to the public inspection file. This meeting occurred during my first few weeks as General Manager for KALW and I was still in the process of orienting myself to the station and its needs. I subsequently forgot that the conversation had occurred, but now recall it. I do recall that Mr. Evans was rather confrontational during this conversation and refused to be specific as to how the public file might be deficient and that the entire conversation was confusing to me. I nevertheless attempted to follow up on this conversation by seeking to determine what was in the files already and what

needed to be added to make them complete and in conformity with the Commission's requirements. Review and updating of the file has been and is an ongoing process. I am sure he did not tell me that KALW's EEO program was "out of date."

10. With respect to Exhibit D (affidavit of Susan Hecht), I recall that, in June 1997, as a part of this file review and update process, I assigned Ms. Hecht the task of reviewing the file. I do not consider the list she produced, which is attached to the Petition to Deny as Exhibit E, to be accurate and, in fact, it appears that she may have misunderstood my directions when she worked on this assignment. I made no further use of that list. With respect to Exhibit F (statement of Mel Baker), I do not understand the relevance of the allegations made by Mr. Baker (who is employed as a temporary Announcer/Operator for approximately 12 hours per month) concerning either personnel policies or contracts or other records for fund drive coordinators. It is and has been my understanding that the Commission does not equate civil service rules with the existence of a viable EEO program and, further, that the Commission's rules do not require all such contracts to be in the public files. Exhibits T, U, V, and Z are contracts which, in fact, are maintained in the public inspection file of KALW in accordance with my understanding of the requirements of Rule 73.3527 of the Commission's Rules.

11. As part of my responsibilities as General Manager, I gathered the information required to respond to and report information on KALW's application for license renewal and filled in the application form that was filed with the Commission on July 30, 1997. This was the first time in my career that I had filled in one of these forms. My understanding of what information was required to be provided and certified was not complete and I believe I may have misunderstood what was required in completing Section III, questions 1, 2, and 3. For example, I believed at the time I responded "Yes" to Questions III. 1.(a) and (b), these only referred to KALW's having filed with the Commission, respectively, a current Annual Employment Report and a current Annual Ownership Report. Since such Reports were to be attached to and filed with the license renewal application, I believed that "Yes" was the appropriate response.

12. With respect to the response to Question III.2, I had conferred with communications counsel regarding what was required to be in the public files and with respect to response to this question. I relied upon my understanding of the advice of counsel, the counsel memorandum on this subject published by the National Association of Broadcasters, and my knowledge of the files maintained by KALW, in responding "Yes" to this question. At the time I made that response, I believed that Ms. Hecht's assessment of the public inspection file was inaccurate and confused and I did not recall any prior conversation I may have had with Mr. Evans on this subject. I also believed that I had fully accounted for all public issues/programs during my tenure as General Manager in the document which Petitioner has labelled Exhibit O, which is what I believed was called for by the question and the rule. Therefore, I believed I was

responding honestly and accurately to this and all questions in Section III, and so reported to Mr. Palacios when I transmitted the completed form to him so that he could transmit it to the appropriate representative of the SFUSD, the licensee, for signature.

13. With respect to Exhibits H (Statement of Joann Mar), I (Statement of Joe Hughes), and CC (Statement of Hedy Jacobowitz), Ms. Mar is employed as a full-time permanent Announcer/Operator by KALW; Joe Hughes is employed as a permanent part-time Announcer/Operator; and Hedy Jacobowitz is employed as a temporary Announcer/Operator. With respect to Ms. Mar's and Mr. Hughes' allegations concerning posting of EEO notices and/or notices of specific openings, they apparently failed to go look at the official SFUSD site for all such posting, as set forth in the Declaration of Mr. Palacios.

14. I have responsibility, as General Manager, for implementation of SFUSD's EEO program and policies in the context of radio station KALW. As such, it was my responsibility to fill in and respond to the questions in the Broadcast Equal Employment Opportunity Report Form ("EEO Report") that was filed along with KALW's license renewal application. KALW participates in and is part of the overall EEO program and policies of SFUSD and it was within this context that I responded to the questions on this Report form. With respect to the questions in Part II, Policy Dissemination, of that EEO Report, I responded "Yes" to the first question (regarding the posting of EEO notices) based upon my knowledge that the indicated notices were posted at the central offices of SFUSD and the City and County Government of San Francisco, as is attested in the Declaration of Mr. Palacios. I responded "Yes" to the second question, regarding notices on KALW application forms, based upon the forms in use by SFUSD for KALW and the rest of the system. I responded "Yes" to the third question, regarding cooperation with unions, because of my knowledge of the cooperation between SFUSD and the unions representing all its employees, including the union employees of KALW. I responded truthfully to each of these questions and so reported to Mr. Palacios when I transmitted the completed form to him so that he could transmit it to the appropriate representative of the SFUSD, the licensee, for signature.

15. More than fifty percent (50%) of KALW's full-time employees, including employees in the upper four job categories, are members of minority groups, as is at least one-half of its governing board (the Board of Education). KALW was recently notified by the Corporation for Public Broadcasting that it is eligible for additional Community Service Grant and NPPAG funds because of its high percentage of minority employees and board members, in which a wide diversity of minority groups are represented. KALW is one of the few public radio station in the nation, other than

stations that were specifically created to serve a minority community, that has become eligible for these additional grant funds. Exhibit 4 to this Declaration is a copy of the Notice received by KALW from CPB regarding this grant eligibility.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 1/17, 1998.


Jeffrey Ramirez

EXHIBIT 1

JERRY CARROLL

Lively Arts

Let's Get Personal

Paul Quihillalt up in Clearlake was listening to the news on the radio the other day when he heard KGO's Rosie Allen say, "We'll have someone personaling the line." This sort of thing will only get worse as time goes on. If Rosie meant "maning" the line — a usage on its last legs, if I'm any judge — shouldn't she have said "personing" the line? "We'll have someone waiting for your call" would be better, of course. But maybe it doesn't matter.

■ ■ ■

That purge of jazz at KALW (91.7 FM) — more popular New Age sounds have replaced it — is not the only thing going on at the public radio station. Staff members, seething over job-posting issues, have hired a lawyer. They're preparing a license challenge for the Federal Communications Commission. Dave Radlauer, who had a jazz program at KALW for 13 years, said, "I'm reluctant to say much because I left the station on good terms." He hopes to syndicate his popular show or find a place somewhere else on the local radio dial.

■ ■ ■

let paper. I don't suppose you'll want your name on that.

■ ■ ■

The Stanford String Quartet's recording of composer Donald Crockett's String Quartet Nos. 1 and 2 and other of his works is out . . . S.F. native Jim Stamates, who lives at Lake Tahoe, won a big prize in the annual Wildlife Photographer of the Year contest in Great Britain. How tough's the competition? More than 20,000 slides were submitted from 68 countries . . . I like the come-on somebody dreamed up to boost ticket sales for the Shrine Game at Stanford January 10: "Sit on your butt. Eat, drink and party. Watch great all-star football. The very best college players in a one-time-only game. And best of all, you can tell everyone you were busy doing charity work" . . . KQED (Channel 9) was the most-watched public TV station in the country during prime time in 1997, a title it's held since 1991. Portland's KOPB was second . . . The rock group Unwound will be at the Bottom of the Hill January 8. What's its music like? "The noisy parts just keep getting noisier and the quiet parts just keep getting quiet

WEEKEND GU

CONCE

S.F. SYMPHONY Klaus tor. Jerry Hadley, te Old Vienna." Strauss: Fall, others. 8 p.m. : De Anza College, 864-6000.

AUDIUM A theater of spatial movement u: 8:30 p.m. Fri. and S Bush St. (415) 771-16

JOHN KARL HIRTEN Ernst, Langlais, C Vierne. 4 p.m. Sat. C the Legion of Hon (415) 750-3624.

BERKELEY SYMPHO Kent Nagano cond works by Haydn, Ba Carla Wilson, basse violin. 8 p.m. Sat. Z Berkeley. (510) 642-

S.F. CHAMBER ORCI kart-Seifert, soprano Schubert, Brahms. 8 Theater, Holy Nan Mountain Blvd., 524-3682.

THE WHIFFENPOOFS EXTRA Yale singing Marines Memorial (415) 989-3900.

SIMON BERRY Organ 11:15 a.m. Fri. St Church, Sonoma St Richmond. (510) 2

OPE

S.F. LYRIC OPERA Pu p.m. Sat. Ebenezer 678 Pontol. Dr. (41

EXHIBIT 2

JEFFREY--

WE CAN HURT YOU IN MANY WAYS.....
THINK ABOUT IT.

